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29

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROGER VAN HECK
Plaintiff,

V
ST. CLAIR COUNTY,
JOHN THOMLINSON,
ST. CLAIR COUNTY JUDICIARY
MERRY V. PACK
Defendants,

Case:5:13-cv-11377
Judge: O'Meara, John Corbett
MJ: Grand, David R.
Filed: 03-28-2013 At 12:26 PM
CMP ROGER VAN HECK V ST. CLAIR COUN
TY, ET AL (LG)

**COMPLAINT/DEMAND FOR DAMAGES FOR
ILLEGAL PROSECUTION, MALICIOUS PROSECUTION, ILLEGAL ARREST, UNLAWFUL
IMPRISONMENT, VIOLATIONS OF THE STATUTE OF LIMITATIONS, VIOLATION OF STATE AND
FEDERAL LAWS, LOSS OF PROPERTY, ECONOMICAL LOSSES, AND CONTINUED PROSECUTION**

**NOW COMES ROGER VAN HECK SEEKING TWO MILLION- EIGHT-HUNDRED THOUSAND
DOLLARS, [2,000,800.00] FOR THE ABOVE ILLEGAL ACTIONS BY THE DEFENDANTS AS FOLLOWS:**

1. The Plaintiff Roger Van Heck fathered a male Child with Merry V. Pack who was born on December 30, 1971 and was named Todd James Pack and the Child reached the age of emancipation in 1989. Thereby, under the of Michigan Statue of limitations in accordance with the State Law MCL 722.3a , the Statue of the Minors Act went into effect as well as Michigan's Statue of Limitations on enforcement of back Child support payments is [TEN] years after the Child reached the age of emancipation, the age of maturity in Michigan [MCL600.5809, 4], specifically address support orders

"For an action to enforce a support order that is enforceable under the support and parenting time Act 1 NO 295 of the Public Acts of 1982, being sections 552.602 to 552. 650 of the Michigan Compiled Laws. "The period limitation's is Ten years from the date that the last support payment is due under the support order regardless of whether the last payment was made." In this case at bar, that date was December 30, 1999.

2. The Plaintiff states that the forgoing Defendants are in violation of the Michigan Paternity Act being 1956 P.A. 205 MCL 722.711 thru 722.730 of charging the Plaintiff a surcharge of 8% on January 1, any year, and on July 1, any year as the State Law provides a "surcharge under this subsection shall NOT be added to court ordered child support under the Paternity Act for the time period of the support order".

3. The Plaintiff offers the St. Clair County Friend of Court (F.O.C.) printout sheet evidence that St. Clair County is charging an illegal surcharge to the plaintiff as it clearly shows "Surcharge information is available for the selected date range", however, it does in fact how a case balance of 11,060.57 for surcharges. However, Van Heck owes the State of Michigan, F.I.A., A.D.C. and the D.H.S. , zero dollars in Child support arrearages as they were paid off in the Mid 90s.

4. Van Heck points to all the payments imposed on him since 2001 by the St. Clair County Judiciary, the prosecutors, the F.O.C. and Judge John Thomlinson, on the same printout, starting at two years through the past fifteen years after the State Statue of Limitations on Enforcement went into effect.

5. The Plaintiff, Roger Van Heck points to the Docket details showing the Emancipation date as being 12/40/1989 and the case status is OPEN, (Nov. 12,2 012)whereas the case docket should reflect (CLOSED) as the State of Michigan statue o Limitations was December 30, 19999. However it does not state closed and the County of St. Clair is as of date of this signing still pursuing, and maliciously, knowingly, and willfully, prosecuting the Plaintiff, Van Heck, some fifteen years after the State Statute of Limitations went into effect as the Plaintiff's register of Action will show clear and convincing evidence of all the illegal actions, illegal arrest, and false imprisonment.

6. The Register of Action shows that from May 13, 1987, the date of a bench warrant, thru December, 2001, there was no action on the case at bar. The year 2001, represents two years after the Statue of Limitations went into effect, being MCL 722.3 and MCL 552.601 thru MCL 552.652, stating that "Any enforceable Child support order must be enforced within ten years

after the Child reached the age of emancipation", which in this case was 12/30/1989 thru 12/30/1999, and not 2001, two years after the emancipation date.

7. That since 2001, two years after the statute of Limitations, that St. Clair County and judge John Thomlinson did issue warrants for an Heck and have Van Heck arrested five times through August of 2004, on December 2001, JULY 2, 2002, march 1, 2004. April 27, 2004, and in August 24, 2004. VAN Heck spent months incarcerated illegally and his State Constitutional Rights were violated on several occasions where as Michigan Law states that when a person is arrested on a Child support warrant, that " the arrestee is to be in front of the issuing Judge within twenty-four hours, except on weekends and holidays, then immediately thereafter. This is accordance to Michigan House Bill 4816 Effective date 1999. However, Van Heck was sent straight to jail for 30 days, and forty-five days, and for sixty days and never saw the judge as guaranteed by the Constitution and the Michigan House Bill.

8. St. Clair County by and through the St. Clair County Judiciary and Family Court Judge John Thomlinson are in violations of ordering Van Heck an SSI recipient a "means tested" State and Federal program to pay Court Ordered Child support arrearages in the amount of one hundred dollars per month through April of 2013. A violation of State and Federal Laws as follows:

9. In violation of the Michigan Disability that SSI is a "means tested" program and cannot be used for Child support, under Michigan MCL 55.605 and under the Michigan Child support formula {MCSF 2.05} (A), 209.

a. "The formula unequivocally states that imputation of income for the purpose of determining Child support obligation is n not appropriate where the payers only source of income is a "means tested" SSI."2004 MCSF 2.10 (F). Also see GHIDETTI V BARKER, 459 MICH 189 (2008).

10. The Defendants are in violation of the sub-chapter of Congress protected benefits from legal process, the alienation Statue, 42 USC 407 applicable to SSI through 42 USC 1383 (d)(1).

a. "The right of any person to any future benefit payments under this subchapter shall not be transferable or assignable, (give, designate, or allot), at law or in equity, and none of the paid payable rights under this subchapter shall be the subject to execution, levy, garnishment, or OTHER legal process, or in the operation of any garnishment or insolvency of law".

11. The Defendants are in violations of the Michigan "means tested" income which is inalienable pursuant to:

a. 400.65, a Statute similar to the Federal Alienation Statute."

b. Michigan Courts have determined that the use of "CONTEMPT POWER to require a party to pay Child support from inalienable government benefits, such as SSI benefits, would violate the "inalienable" provisions for such benefits. 'Causley V LaFreniere, 78 APP 608 (1992), also see Gonzalez V Gonzalez, 121 MIVH APP 289, (1982).

12. The Defendants are in violation 2004 MCSF 108 as SSI benefits are not considered income and therefore, the recipients of SSI income would be zero dollars.

The forgoing Defendants are in violation of the Federal Law, Scheiker V Wilson, 4560 USC 221, 223, 101 S. Ct. 1074 (1981):

a. " SSI benefits are not subject to attachment for the purpose of spousal support or Child support, 42 U.S.C. s 07 (a), " Providing that none of the monies paid or payable under subchapter II shall be subject to execution, levy, garnishment, or OTHER legal process."

13. The St. Clair County Family Court Judge Judge John Thomlinson has Court Ordered that Van Heck, who is on SSI Disability to pay Merry V. Pack, thousands of dollars including nine hundred by April 2013, (See Register of Action page four), or be brought before him for contempt in violation of 4USC 407, 42 USC 383, (d)(1);. "SSI benefits are inalienable, that is, benefits are not transferable or "assignable" (designate, give, or allot to someone else), and are not subject to execution, levy, attachment, garnishment, or other legal process including Child support".

"Further, the courts cannot use their 'contempt powers' to require payment of Child support from benefits that are inalienable means tested benefits (SSI) and cannot be considered income for the purpose of determining child support

1. That under the State of Michigan Child support formula of 2004, 2004 (MCSF). SSI benefits are a "means tested" source as income and cannot be counted as income. 2004, MCSF 205 (A), 209. Further, the formula unequivocally states that

impudatation of SSI income for the purpose of Child support is not appropriate . Ghidotti v Barber MICH 289 (1998).

15. Under Michigan Law, "means tested" income is inalienable pursuant to MCL 400.63, a statue very ciose to the Federal inalienable statue, Michigan courts have consistently determined that the use of it's Contempt Power' would violate the inalienability provisions, except for St. Clair County Judges, as this case at bar show demonstrates. (Causley V LaFeniére, 78 MICH APP 250.1977); and Proudfit V O'Neal 193 MICH APP 608 (1992).

16. THAT THE St. Clair County and St. Clair County Judiciary are further in violations of the Morocco V. Giadinao, 767A. 2d.720 (Conn), 2001. That SSI benefits are not subject to any legal process for payment of Child support, as the Court has Ordered Van Heck, the Plaintiff. Also see Ward V Ward 763 N.E. 2d 480 (Ind. App, 20020. The Court held that SSI recipients cannot be held in contempt for failure to comply with Child support Orders.

17. In Gonzalez, 121 MIVH APP at 191, the Michigan Court of Appeals held that 'means tested' benefits are "inalienable" and that a 'contempt order is improper.

18. St. Clair County Judge John Tomlinson demonstrates abuse of judicial authority and abuse of judicial power as proven by exhibit one, where as the Friend of Court on December 12, 2007 Motioned the Court for a Relief of Judgement for Van Heck under (MCR 212.C) and MCR 2.11€ and the Judge rejected the Friend of Court's motion. which is also nine years past the Statue of Limitations for enforcing a support Order.

EXB. 1.

19. Judge Thomlinson further demonstrates his abuse of judicial power on October 29, 2007, when he issues a Contempt Order against Van Heck hen he full knowledge that Van heck was on SSI disability and that such an order is "inappropriate" in the State of Michigan and in violation of numerous State an Federal Laws.

EXB. 2.

List of Case History
and Authority.

20. St. Clair County Judge Thomlinson again knowingly, willfully, and blatantly, violates his Contempt Power by issuing another Contempt Order against Van Heck and violates the well established Federal and State laws for persons on SSI, a "means tested" program.

21. Judge Thomlinson is again in violation of the Michigan Statue of "limitations" when the Child emancipated in 1989.

EXB. 3.

22. St. CLAIR County and Judge Thomlinson violated Van Heck's constitutional rights numerous times from 2001, two years after the Statue of Limitations, through 2012 by having Van Heck arrested and incarcerated for months at a times as the Register of action so proves, as ell as the incarceration exhibits. The Michigan Child support Enforcement System printout shows the Child emancipated on DECEMBER 30, 1989, there by making December 30, 1999 the ten year date of the "Statue of "Limitations".

See List of
Exhibits.

23. St. Clair County Judge Thomlinson again violates Van Heck's Constitutional Rights and violates all the proceeding and following laws on October 9, 2011, when he issues and enforcement order against Van Heck when he has full knowledge of Van Heck being on SSI Disability and the Statue of limitations was in fact December 30, 1999 and Child support orders and Contempt Orders cannot be issued or enforced

EXB. 7.

24. Van Heck presents as evidence pages 6 and 7, and 12 and 13 of the transcript that Thomlison Court Orders Van Heck to pay Merry Pack Child support when he has full knowledge of Van Heck being on SSI and that the Statue of Limitations was fourteen years prior to the court action and as it is argued before the judge, and he puts it back on Van Heck that he should

Known the laws at previous court hearings (see transcript page 12., line15) or he will enforce an agreement that violates Federal and State Laws that SSI is not assignable, allot designate, or give to someone else. T. pg 13, lines 10, 11, 12 and 2, Thomlinson rejects the F.O.C. recommendation to close the case again. T.pg 12, lines 21 and 22, Thomlinson intimidates and threatens Van Heck.

25. Judge John Tomlinson expresses extreme prejudice and abuse of judicial power towards Roger Van Heck a disabled sixty year old man and total disregard for the laws of this State and Country. Transcript of September, 4, 2012.

DEFENDANT MERRY V. PACK

The Plaintiff, Roger van, Seeks EIGHT HUNDRED THOUSAND DOLLARS from the Defendant Merry V. Pack for wrongful prosecution, loss of income, loss of property, malicious prosecution, and negligent continued prosecution, in punitive damages for Merry V. Pack being fully informed of the emancipation date being December 30, 1989 when the child turned Eighteen (18), and has knowledge or should have knowledge that the Statue of Limitations is ten years after the Child turns 18, or 9999, however, as of this date of signing continues to pursue, knowingly, willfully, and revengefully prosecute the Plaintiff for financial enrichment that she is not entitled to and has not been entitled to for fourteen years past the Statue of Limitations, including having Van Heck incarcerated wrongfully and illegally.

2. THE plaintiff has paid the Defendant thousands of dollars since the Statue of Limitations unknowingly had went into effect in the year 1999, so wrongfully pursued and Court Ordered by the judiciary of St. Clair County, Milissa Sommers, the Prosecutors office, the sitting jurist who supposedly knows the laws, Judge John Thomlinson and that during the plaintiff's unlawfully incarcerations when release only to find his vehicles towed, his personal property from he rented, in dumpsters and hauled away twice in 2002 and twice in 2004 as the Register of Action shows, in violations of the Statue of Limitations.

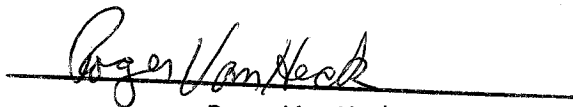
3. Merry V. Pack is in violation of Michigan Compiled laws 722.3 and 722.3a of the "Minors Act",

"Child Support Automatically stops at the age of Eighteen" and the Statue of Limitations to enforce a Child support order is ten year after the Child turns Eighteen after the last obligation is due whether or not it was paid. In this case at bar, the Statue of Limitations was December 30, 1999.

Merry V. pack know having full knowledge and understanding of the Michigan Statue of Limitations for enforcing a Child support Order is ten years after the Child turns 18, and with the full knowledge that Van Heck is on SSI Disability a 'means tested' Federal and State program, seeks monetary enrichment because Van Heck is on SSI and has an income. even though SSI is not, cannot, be considered an income, so she relies on the St. Clair County Judicial system to viciously, maliciously, prosecute Van Heck to prefratrate a fraud by and through the St. Clair Judiciary Judge John Thomlinson with the Courts blessing and backing as demonstrated in the excerpt of the transcript.

WHEREFORE, The Plaintiff, Roger van Heck, respectfully request of this Honorable Court to grant him an award of Two Million Eight Hundred Thousand Dollars (2,800,000.00) against the named Defendants in light of the wrong doings of Violations of the Statue of Limitations, wrongful imprisonments, and the violations of the State of Michigan Laws and violations of the Federal Laws

March 28, 2013



Roger Van Heck
94 South Rose Street
Mt. Clemens, MI 48043
586) 713-4592

INDEX OF AUTHORITIES

Cases Name and Citation:

GHIDETTI V. BARKER	459 MICH 189 (1998)
CAUSELY V. LAFRENIERE	285 72 MICH APP 602 (11317)
PROUDFIT V. O'NEAL	193 MICH APP 608 (1991)
GONZALEZ V. GONZALES	121 MICH APP 238 (1982)
SCHWEIKER V. WILSON	450 U.S. 221, 223, 101 S. CT. 1074 (1981)

Statutes:

SUCCESSFULLY APPEALED.

OTHER:

42 USC 407 through 42 USC 1383 (d) (1)

2004 MSCF 108

42 U.S.C. SS 407 (a)

MCL 552.605

2004 MSCF 2.05(A), 209

MCSF 2.10(F)

MCL 400.63 Paternity Act, Act NO 205 of the Public Acts of 1956, 722.711 to 722.730

list of case laws

1. MCL 552.6501 thru 552.650.
2. Mcl 722. and 722.3
3. MCR 2.612 (c).
4. MCR 2.11 (E).
5. MSC 397 MICH 44, 46 1996.
6. Rule 52 (a).

LIST OF EXHIBITS

1. MOTION FOR RELIEF OF JUDGEMENT: DEBIED.
2. CONTEMPT ORDER: 2008, Plaintiff was on SSI.
3. STATEMENT OF EMANCIPATION DEC. 30, 1989.
4. ORDER CLOSING CASE AND RECALL BENCH WARRANTS: DENIED. 8/1/12.
5. ORDER TO CLOSE CASE WUG. 8, 2012: DENIED.
6. SUPPORT ORDER, ORDERED: Sept. 12, 12.
7. CONTEMPT ORDER SIGNED BY TOMLINSON: Nov. 2, 2012
8. PAGE ONE OF REGISTER OF ACTIONS.
9. PAGE TWO OF REGISTER OF ACTIONS.
10. TRANSCRIPT PAGE SIX.
11. TRANSCRIPT PAGE SEVEN.
12. TRANSCRIPT PAGE 12.
13. TRANSCRIPT PAGE 13.
14. PROOF OF INCACERATION AFTER THE STATUE OF LIMITATIONS.
15. PROOF INCARCERATION AFTER THE STATUE OF LIMITATIONS.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROGER VAN HECK
Plaintiff

V

CASE NO:

ST. CLAIR COUNTY
JOHN THOMLINSON
ST. CLAIR COUNTY JUDICIARY
MERRY V. PACK
Defendants,

PROOF OF SERVICE

Roger Van Heck being duly sworn and subscribed that he filed a Civil Suit in the UNITED STATES DISTRICT COURT in Detroit, Michigan and served a copy of the same on the above Defendants.

I, Roger Van Heck do hereby attest that I served or had served upon the Defendants a copy of this civil suit.

Roger Van Heck being duly sworn and subscribed before
NOTARY PUBLIC: My Commission expires on: Kimberly A. Allard
on this day 27TH March, 2013. Notary Signature

3-27-2013
Dated:

KIMBERLY A. ALLARD
Notary Public, State of Michigan
County of Saint Clair
My Commission Expires 12-06-2015
Acting in the County of Macomb

Roger Van Heck
Roger Van Heck
94 South Rose Street
Mt. Clemens, mi 48043
5860 713-4591

EXB. 2.

**STATE OF MICHIGAN
31ST CIRCUIT COURT FAMILY
DIVISION
ST. CLAIR COUNTY**

**MOTION AND ORDER TO
SHOW CAUSE FOR
CONTEMPT(SUPPORT)**

**CASE NO.
1975-004460-DP
HON. JOHN D TOMLINSON**

St. Clair County Friend of the Court Address:
201 McMorran Boulevard Room 1600 Port Huron, MI 48060

Telephone No. (810) 985-2285
Fax No. (810) 985-2180

Plaintiff's name, address, and telephone no.

**MERRY V PACK
3550 Teeple Ave
Fort Gratiot, MI 48059**

Plaintiff's attorney name, address, telephone no., and bar no.

v

Defendant's name, address, and telephone no.

ROGER E VANHECK

Defendant's attorney name, address, telephone no., and bar no.

MOTION

I state:

1. **ROGER E VANHECK** was ordered to pay support.
2. The Office of the Friend of the Court has reviewed the records and determined the past due support amount on 10-22-2007 is \$15,928.84 which exceeds the statutory amount allowed.
3. I request the court to issue an order to show cause why the payer named above should not be found in contempt for failure to comply with the court's order.

I declare that the statements above are true to the best of my information, knowledge, and belief.

OCT 29 2007

Date

M. Sommers

Friend of The Court Representative

ORDER

IT IS ORDERED:

ROGER E VANHECK shall appear in person on December 12, 2007 at 10:00 AM at ST CLAIR COUNTY FRIEND OF THE COURT ROOM 1600 B-1 201 MCMORRAN BLVD. PORT HURON, MI 48060 to show cause why s/he should not be held in contempt for failure to comply with the Court's order. If you have a hearing before a Judge, go directly to that courtroom. If your hearing is before a referee, go to the Friend of the Court Office to sign in. If the named party fails to appear, s/he may be found in contempt and a bench warrant may be issued for his/her arrest. If contempt is found, the Court may apply any enforcement remedy allowed under the law.

OCT 29 2007

Date

Judge

NOTE: Your driver, occupational, and recreational licenses may be suspended at this hearing if you fail to appear or to pay the arrearage in full.

Either party attending the hearing must:

- Dress in a manner appropriate for a Court hearing.
- Not carry any weapons into the courthouse or Office of Friend of the Court.
- Do not bring any child to Court that will not be called to testify.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he/she has this
day of NOV 2007
mailed a copy of the foregoing pleading to the parties of
record and/or the attorneys of record for all other parties
in this action by placing same properly addressed in the
U.S. Mail with sufficient postage to insure delivery.

Michigan Child Support Enforcement System
NCP Financial Detail Report
Report Period: 05/01/2010 to 11/22/2011
[CONFIDENTIAL - FOR PAYER USE ONLY]

RPID: NCPD

EYD3.

Payer ID: 15495729
Docket - County: 1975004460DP - 074

Payer Name: ROGER EARL VANHECK

Legal Address:

ROGER EARL VANHECK
94 S ROSE ST
MOUNT CLEMENS, MI 48043

Mailing Address:

94 S ROSE ST
MOUNT CLEMENS, MI 48043

Docket Details

Docket: 1975004460DP Docket County: 074 - Saint Clair Docket Status: OPEN
Case ID: 911561367 Payee Name: MERRY PACK Case Status: OPEN
Dependent: TODD DOB: 12/30/1971 Emancipation Date: 12/30/1989 Actively Charging Obligation: N

Current Account Information Summary

Debt Type	Current Month's Charges	Balance Owed	Fixed Obligation Indicator	Fixed Payoff Balance
Docket: 1975004460DP - 074				
Case ID: 911561367				
CS-CHILD SUPPORT	.00	10200.82		
PF-PROCESSING FEES	.00	198.75		
SF-SERVICE FEES	.00	855.00		
Docket Total:	.00	11050.57		

Processing and Service fees are assessed semi-annually in January and July.

Surcharges

Surcharge information is not available for the selected date range.

Payments

Collection Date	Receipt Number	Payment Source	Full Receipt Amount	On Hold	Backout Reason Description	Original Receipt Number
05/10/2010	0510201001488001	OBLIGOR	100.00			
Amount Distributed by Docket: 1975004460			100.00			
06/11/2010	0611201007488002	OBLIGOR	100.00			
Amount Distributed by Docket: 1975004460			100.00			
07/13/2010	0713201003008001	OBLIGOR	100.00			
Amount Distributed by Docket: 1975004460			100.00			
08/08/2010	0808201004838002	OBLIGOR	100.00			
Amount Distributed by Docket: 1975004460			100.00			
11/03/2010	1103201006827002	OBLIGOR	100.00			
Amount Distributed by Docket: 1975004460			100.00			
12/07/2010	1207201006870001	OBLIGOR	100.00			
Amount Distributed by Docket: 1975004460			100.00			
02/03/2011	0203201103836001	OBLIGOR	100.00			
Amount Distributed by Docket: 1975004460			100.00			
03/11/2011	0311201102115004	OBLIGOR	100.00			
Amount Distributed by Docket: 1975004460			100.00			
04/13/2011	0413201107608001	OBLIGOR	100.00			
Amount Distributed by Docket: 1983372102			71.21			
1975004460			28.79			

Exb. 7.1

STATE OF MICHIGAN
31ST JUDICIAL CIRCUIT
ST. CLAIR COUNTY

ENFORCEMENT ORDER

CASE NO.
1975-004460-OP
HON. JOHN D TOMLINSONSt. Clair County Friend of the Court Address:
201 Memorial Boulevard Room 1800 Port Huron, MI 48060Telephone No. (810) 985-2285
Fax No. (810) 985-2180

Plaintiff's name, address, and telephone no.

MERRY V PACK
3550 Teeple Ave
Fort Gratiot, MI 48059
(810) 984-2433

Plaintiff's attorney name, address, telephone no., and bar no.

Defendant's name, address, and telephone no.

ROGER EARL VANHECK
94 S Rose St
Mount Clemens, MI 48043
(586) 493-7662

Defendant's attorney name, address, telephone no., and bar no.

Date of Hearing:

OCT 17 2011

Respondent: ROGER EARL VANHECK

FINDINGS:

The order is the result of a consent.

IT IS ORDERED:

Reason: Both parties appeared. Mr. Vanheck receives \$664 a month SSI benefits. He will pay \$100 a month for 15 months beginning 1/1/12. If payments are consistent and \$1500 total has been paid to the payee by April of 2013, then the rest of the money on this account will be backed off by agreement and the case closed at that time.

The order to show cause is set aside (dismissed).

Both parties shall notify the Friend of the Court in writing within 21 days of the change in: a) their mailing or residence addresses and telephone numbers; b) the name, address, and telephone number of their employers or sources of income; c) their health maintenance or insurance company insurance coverage or contract numbers; d) their occupational or driver's licenses; and e) their social security numbers unless law exempts that person from providing the social security number.

Date Signed:

OCT 19 2011

JOHND. TOMLINSON

HON. JOHN D TOMLINSON P45917

I have read or had read to me the findings and proposed order of the referee or order of the court and I consent to the immediate entry of this proposed order and waive my rights to object under any objection period allowed by law.

10/11/11

Date

MERRY V PACK
Plaintiff

Date

ROGER EARL VANHECK
Defendant**CERTIFICATE OF MAILING**

STATE OF MICHIGAN 31 st JUDICIAL CIRCUIT ST. CLAIR COUNTY	ORDER CLOSING CASE	CASE NO. T-1975-004460-DP
--	--------------------	------------------------------

Court Address: 201 McMoran Blvd. Room 1600, Port Huron, MI 48060

Telephone: (810) 985-2285

Plaintiff's name and address
MERRY V PACK
3550 Teeple Ave
Fort Gratiot, MI 48059

Attorney:

Defendant's name and address
ROGER EARL VANHECK
94 S Rose St
Mount Clemens, MI 48043

Attorney:

FINDINGS:

Upon review of the captioned file, the Friend of the Court recommends that the file be closed. Father's only source of income is Social Security. Pursuant to Administrative Criteria, the case may be reopened.

Dated

Friend of the Court Representative

IT IS ORDERED that the case captioned herein be closed, and all fees and account balances shall be preserved but removed from the Friend of the Court computer system. The case may be reopened by further order of the Court.

IT IS FURTHER ORDERED that any outstanding bench warrants shall be recalled.

PROPOSED

Hon. John D. Tomlinson (P-45917)

Date _____

NREF+

NREF

NHJ

STATE OF MICHIGAN 31st Judicial Circuit St. Clair County	NOTICE TO APPEAR FOR HEARING	CASE NO. T- 1975-004460-DP
--	-------------------------------------	---

FOC Address: 201 McMorran Boulevard Room 1600, Port Huron, MI 48060 www.stclaircounty.org/offices/foc Telephone (810) 985-2285

Plaintiff name and address
 MERRY V PACK
 3550 Teeple Ave
 Fort Gratiot, MI 48059

1. Date of Notice: 07/27/2012

A hearing has been scheduled for:

Date: SEPTEMBER 4, 2012

Time: 9:00 AM

Location: JUDGE TOMLINSON, ROOM 2700

Attorney:

Defendant name and address
 ROGER EARL VANHECKY
 94 S Rose St
 Mount Clemens, MI 48043

Attorney:

This hearing has been scheduled to address the following issues:

- | | |
|---|---|
| <input type="checkbox"/> Parenting Time Issues/Disputes | <input type="checkbox"/> Custody |
| <input type="checkbox"/> Change of Domicile/Legal Residence | <input type="checkbox"/> Support Review |
| <input checked="" type="checkbox"/> Entry of Order administratively closing file per Referee hearing on July 11, 2012; PROPOSED ORDER ATTACHED. | <input type="checkbox"/> Other |

PLEASE APPEAR AT THE APPOINTED TIME. Only the parties and/or their attorney may provide testimony during the hearing. No minor children may attend the hearing. If you have an attorney and they are not listed above, please contact the Friend of Court and that attorney immediately.

A HEARING MAY BE CANCELLED OR ADJOURNED, BUT the Friend of the Court must be notified IN WRITING nine (9) days prior to the hearing date, and permission to adjourn given through the Friend of the Court.

If you require special accommodations to use the court because of a disability, or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements. Parties must not carry any weapons into the courthouse or office of the Friend of the Court.

Note: Proper attire is required in the Court Room. Shorts/cutoffs, tank/halter tops, sleeveless t-shirts, slippers, spandex tights and pants, or bare midriffs will NOT be allowed in the Court Room.

CERTIFICATE OF MAILING

I certify that on this day I mailed a copy of this order by ordinary mail to the parties at the addresses stated above.

AUG 08 2012

Date

Melanie Jo Cristofari
 Signature

27.

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF ST. CLAIR

MERRY PACK,
Plaintiff,

-vs-

Case No. T-1975-004460-DP

ROGER EARL VANHECK,
Defendant,

ORDER
REGARDING SUPPORT REIMBURSEMENT

At a session of said Court, continued and held
At the County Building in the City of Port Huron,
County of St. Clair and State of Michigan on this
SEP 27 2012, 2012.

PRESENT: HON. JOHN D. TOMLINSON
Probate Judge/Family Division

Pursuant to Judge Tomlinson's ruling on September 4, 2012 and the Court being fully advised in the premises;

IT IS HEREBY ORDERED Roger Vanheck shall reimburse Mary Pack \$900.00 at \$100.00 per month, payments to commence this month. Upon compliance with this plan, the remaining balance owed to Mary Pack shall be extinguished.

IT IS FURTHER ORDERED that the terms and provisions of all prior Orders, except as amended herein, shall remain in full force and effect.

JOHN D. TOMLINSON

HON. JOHN D. TOMLINSON, P-45917
Probate Judge/Family Division

Date: SEP 27 2012

Prepared by:
St. Clair County
Friend of Court

A TRUE COPY
Jay M. DeBoyer
County Clerk

STATE OF MICHIGAN
31st Judicial Circuit
St. Clair County

**NOTICE TO APPEAR AT THE FRIEND OF
COURT; MOTION AND ORDER TO SHOW
CAUSE FOR CONTEMPT (SUPPORT)**

CASE NO.
T- 1975-004460-DP

FOC Address: 201 McMorran Boulevard Room 1600 Port Huron, MI 48060 www.stclaircounty.org/offices/foc Telephone (810) 985-2285

Plaintiff name and address

MERRY V PACK
3550 Teeple Ave
Fort Gratiot, MI 48059

Attorney:

Defendant name and address

ROGER EARL VANHECK
94 S Rose St
Mount Clemens, MI 48043

Attorney:

MOTION:

1. ROGER EARL VANHECK was ordered to pay support.
2. The office of the Friend of the Court has reviewed the records and determined the past due support amount on 09-30-2012 is \$10,502.57, which exceeds the statutory amount allowed.
3. I request the court to issue an order to show cause why the payer named above should not be found in contempt for failure to comply with the court's order.
4. I request the parties to first appear at the Friend of the Court to attempt resolution on non-payment of support.
5. I request that the issue of non-payment of support be continued before the Judge if the parties fail to reach a resolution at the Friend of the Court.

I declare that the statements above are true to the best of my information, knowledge, and belief.

**APPEAR AT:
FRIEND OF
COURT OFFICE**

10-24-2012
Date

Becky Phillips-Gould
Friend of the Court Representative

IT IS ORDERED:

1. Parties must first appear in person at the Friend of the Court on December 11, 2012 at 10:30 a.m. to attend a settlement conference on support.
2. Failure to reach a settlement at the Friend of the Court shall result in a Show Cause hearing before Honorable Judge John D. Tomlinson at 11:30 a.m. or as soon as the court can hear the issue.
3. If the payer of support fails to appear, a bench warrant may be issued for his/her arrest.

NOV - 1 2012
Date

JOHN D. TOMLINSON
Hon. John D. Tomlinson P45917

**IVR INFORMATION CONCERNING THIS HEARING MAY BE INCORRECT.
APPEAR AT THE TIME AND DATE AS INDICATED ABOVE.**

If you require special accommodations to use the court because of a disability, or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements. Parties must not carry any weapons into the courthouse or office of the Friend of the Court. No children may attend the hearing.

*** If you have an attorney and they are not listed above, please contact the Friend of Court and that attorney immediately.

Note: Proper attire is required in the Court Room. Shorts/cut-offs, tank/halter tops, sleeveless t-shirts, slippers, spandex tights and pants, or bare midriffs will NOT be allowed in the Court Room.

CERTIFICATE OF MAILING

I certify that on this date I mailed a copy of this notice of hearing and order to show cause to the parties by ordinary mail addressed to their last known address.

NOV 02 2012

Date

Brian L. Rose
Signature

FOJ
460-DP JUDGE TOMLINSON
ST. CLAIR COUNTY

CASE REGISTER OF ACTIONS

02/27/13 PAGE 1

FILE 06/28/72 ADJ DT 11/05/75 CLOSE 11/05/75

SCAO LINE 70

P 001 PACK, MERRY,
U/A
U/A
ATTY: SHAPIRO, D. J.,
P-23799 810-329-3133

VS D 001 VANHECK, ROGER,
94 S ROSE ST
MT CLEMENS MI 48043

DISPOSITION 11/05/75 UNC MSH

SERVICE/ANS 12/15/86 APP

Actions, Judgments, Case Notes

Num	Date	Judge	Chg/Pty	Event Description/Comments	
1	06/28/72	TOMLINSON		SUMMONS AND COMPLAINT - NOT SUBJECT TO FEES	CLK DJN
13			D 001	SUMMONS ISSUED	CLK KP
14	07/16/74			ORDER FOR BLOOD TEST	CLK KP
15	11/13/74			ORDER FOR BLOOD TEST	CLK KP
16	03/05/75			NOTICE OF BLOOD TEST RESULT	CLK KP
17				BLOOD TEST RESULTS	CLK KP
18	03/13/75			NOTICE OF PRE-TRIAL	CLK KP
19	05/15/75			NOTICE OF NON JURY TRIAL	CLK KP
20				PRETRIAL STATEMENT	CLK KP
21	07/16/75			NOTICE OF ADJOURNED NON JURY TRIAL	CLK KP
22	10/21/75			REPORT OF THE FRIEND OF COURT	CLK KP
23	10/22/75			NOTICE OF ORDER FOR SUPPORT	CLK KP
2	11/05/75		D 001	MISCELLANEOUS HEARING HELD UNCONTESTED	CRT DJN
3				FINAL ORDER OR JUDGEMENT FILED	CLK DJN
24	01/24/84			ORDER OF FILIATION	CLK
25	07/03/86			ORDER TO SHOW CAUSE W/PETITION	CLK KP
26	12/15/86		P 001	ORDER TO SHOW CAUSE W/PETITION	CLK KP
				APPEARANCE	CLK KP
				ATTORNEY: P-23799 SHAPIRO	CLK
				W/NOTICE OF APPEARANCE	CLK
27	05/13/87			MEMORANDUM OF BENCH WARRANT	CLK KP
28	12/11/01 ~			ORDER TO SHOW CAUSE W/PETITION	CLK KP
29	02/22/02			ORDER TO SHOW CAUSE W/PETITION	CLK KP
30	05/29/02			ORDER TO SHOW CAUSE W/PETITION	CLK KP
31	07/02/02		D 001	BENCH WARRANT ISSUED	CLK KP
49	03/01/04		D 001	BENCH WARRANT RETURNED	CLK KP
51	04/27/04		D 001	BENCH WARRANT ISSUED	CLK KP
52	08/25/04		D 001	BENCH WARRANT RETURNED	CLK KP
50	10/05/04			PETITION/ORDER FOR JAIL SENTENCE REDUCTION	CLK
				W/CERT OF SERVICE	CLK
53	12/14/04			ORDER TO SHOW CAUSE W/MOTION/CERT OF MAILING	CLK KP

54	01/14/05		LIEN ORDER	CLK	KP
55			PROOF OF MAILING	CLK	KP
56	10/29/07		ORDER TO SHOW CAUSE	CLK	KP
			W/MOTION/CERT OF SERVICE	CLK	
58	01/02/08	P 001	OBJECTIONS	CLK	KP
57	01/18/08		ORDER AFTER REFEREE HRG	CLK	KP
			ON SHOW CAUSE HEARING ON	CLK	
			12-12-07	CLK	
59	03/25/08		ORDER	CLK	KP
			RE PAYMENT OF ARREARS	CLK	
4	06/17/08		MISCELLANOUS HEARING HELD	CRT	LL
			BOTH PARTIES APPEARED. FATHER	CRT	
			STATES HE HAS AN ORDER DATED	CRT	
			THREE MOS. AGO AND HE HAS MADE	CRT	
			PAYMENTS ACCORDING TO THE OR-	CRT	
			DER SINCE HE GOT IT. MOTHER	CRT	
			STATES SHE HAS REC'D NO MONEY	CRT	
			FROM THE FOC. FATHER APPARENT-	CRT	
			LY SENT IN MONEY ORDERS TO THE	CRT	
			OFFICE MADE OUT TO MERRY PACK	CRT	
			AND FOC SO THEY MAY HAVE TO	CRT	
			BE SENT BACK. THE ORDER IS FOR	CRT	
			DIRECT PAYMENT TO FOC SO THEY	CRT	
			WERE SENT DOWN TO SORT OUT	CRT	
			WHERE THE PAYMENTS HAVE GONE.	CRT	
5	05/13/09		ORDER	CLK	KP
			PRESERVING ARREARAGES	CLK	
47	09/24/09		ORDER TO SHOW CAUSE	CLK	KP
			W/MOTION/NOTICE TO APPEAR @	CLK	
			FOC/CERT OF MAILING	CLK	
46	10/22/09		ENFORCEMENT ORDER	CLK	KP
12	08/26/11		ORDER TO SHOW CAUSE	CLK	KP
			W/MOTION/NOTICE TO APPEAR @	CLK	
			FOC/CERTIFICATE OF MAILING	CLK	
6	10/19/11		ENFORCEMENT ORDER	CLK	KP
8	09/04/12		SET NEXT DATE FOR: 09/04/12 9:02 AM	CLK	MC
			MISCELLANOUS HEARING		
			EOO/ORDER CLOSING FILE	CLK	
9			MISCELLANOUS HEARING HELD	CRT	LL
			BOTH PARTIES PRESENT. ON FOR	CRT	
			ADMINISTRATIVE CLOSURE. RIGHT	CRT	
			TO OBJECT TO SURCHARGE WAIVED	CRT	
			WHEN AGREEMENT WAS MADE. PL	CRT	
			STATES HE WAS ORDERED TO PAY	CRT	
			\$19/WK, SON IS GOING TO BE 41	CRT	
			YEARS OLD. DEF WAS LICENSED	CRT	
			CONTRACTOR, DIDN'T PAY SS OR	CRT	
			TAXES. CT FINDS ON EVIDENCE	CRT	
			PRESENTED, AGREEMENT TO	CRT	
			RESOLVE THIS ARREARAGE IN	CRT	
			OCTOBER 2011 FOR FATHER TO PAY	CRT	
			\$100/MO FOR 15 MONTHS BEGIN-	CRT	
			NING JANUARY '12, WAIVED RIGHT	CRT	
			WHEN ENTERED INTO AGREEMENT,	CRT	
			NO CONTEMPLATION FOR PRIOR	CRT	
			PAYMENTS. HONOR TERMS, REQUIRE	CRT	
			D TO PAY \$1500 ON OR BEFORE	CRT	

1 pay \$1,500.00 from that point forward, right?

2 MR. VANHECK: Well, no, actually not.

3 THE COURT: Okay, what did you think?

4 MR. VANHECK: I kind of talked to the court
5 after that to get this print out, looking for a date on
6 it, your Honor. This come off of what I was supposed
7 to pay her. SSI, she was told in December by the
8 referee that on SSI I don't have to pay her a dime, and
9 I agreed to give her some money. But they did it on
10 the arrearages, she's paid in full, period.

11 Last time we were in court the referee, the
12 court lawyer, he mentioned my --

13 THE COURT: Mr. VanHeck, when you borrow
14 money from the bank they charge you interest, right?

15 MR. VANHECK: There's Michigan Compiled Laws
16 552.603a, a surcharge under this subsection shall not
17 be added to support order under paternity act of 205 of
18 Public Act 56, being section 722.711 to --

19 THE COURT: Well, they changed the way they
20 do that. But they used to consider it a Judgment and
21 then they charged you a surcharge in lieu of interest
22 on a money Judgment for a long time. They just changed
23 that.

24 MR. VANHECK: Also in this law, it also
25 points out House Bill 4816, Michigan Compiled Laws,

1 that surcharge, parents that owe child support 18 and
2 under. When this law was wrote and passed in 1999 our
3 child was 28 years old. Under both laws she's not
4 covered under the surcharge. But let's get back to
5 reading that correctly.

6 Therefore, this is the motion by the court to
7 close this case. This is the motion. In 40 years
8 she's got her money.

9 ➤ THE COURT: But see I'm going to tell you
10 that I don't see the issue the same as Friend of Court
11 does.

12 MR. VANHECK: Pardon me?

13 ➤ THE COURT: I don't see the issue the same
14 way that Friend of Court does. The reason I don't see
15 it is that you knew or should have known all the
16 arguments you just made for me about the legality of
17 the arrearage that she wa's claiming in December of
18 2011. Despite that knowledge or putative knowledge you
19 agreed to pay \$1,500.00. So really what I think I've
20 got is a contract issue where you said I'm going to pay
21 you \$1,500.00 and we're going to be all done.

22 So, I appreciate all those arguments, but I
23 think any right that you had to object to the surcharge
24 based upon those statutory bases you waived when you
25 made that agreement with her in December.

1 say that I find based upon the evidence presented to me
2 today that there is an agreement to resolve this
3 arrearage that was reached in December, actually
④ reached in October of 2011 where Mr. VanHeck would pay
5 the sum of \$100.00 per month for 15 months, beginning
6 January 1st, 2012. I do not believe that his claim
7 that legally this amount is unenforceable. I believe
8 that he waived that as a result of him entering into
9 this agreement. I also believe that there was no
10 contemplation by either of the parties that he would
11 receive credit for any prior payments that were made at
12 the time this agreement was made.

13 So, I believe that to honor the terms of this
14 agreement Mr. VanHeck is required to pay the sum of
15 \$1,500.00 on or before April, 2013. And I'm going to
16 order that we're going to pick up the \$100.00 a month
17 payments immediately, and then we'll have the balance
18 paid in full on or before April 1st, 2013 I think would
19 be right. And if he does not either make any of those
20 monthly payments or if he doesn't pay the total balance
②① by April, 2013, whichever problem we have, he's to be
→ ②② brought back in front of me.

23 I'm going to tell you, Mr. VanHeck, I
24 understand you're on SSI, you made an agreement, you're
25 going to enforce that or you're going to honor that

1 agreement or I'm going to enforce it. Understand?

2 MR. VANHECK: All right. Well, your Honor,
3 let's put it, let's do this then, I've already paid her
4 \$600.00 this month, this year.

5 THE COURT: Yep.

6 MR. VANHECK: Take that off of that.

7 THE COURT: I am, you owe her \$900.00.
8 You've got to pay \$900.00 between now and April. I'd
9 suggest you do it at --

10 → MR. VANHECK: My understanding is you're
11 rejecting Friend of Court's recommendation to close
12 this file?

13 → THE COURT: I am rejecting the Friend of
14 Court's recommendation.

15 MR. VANHECK: I need to see a lawyer.

16 THE COURT: Have a nice day. Mr. Messing.

17
18 (At 11:17 a.m., proceedings concluded.)
19

20 * * * * *

23008

ST. CLAIR COUNTY JAIL INMATE RECORD

Last Name VANHECK		First Name ROGER		Middle Name EARL		Location in Jail CELL 2		Classified Date/Time 3/02/04 1252	
Inmate Number 40961		Special Pass NONE		City IRA		Box #		Physical Date/Time	
Address 11202 NORWANDX BLVD		State MI		Cit USA		Charges NON-PAY'T OF ALIMONY/CHILD SUPPORT		Vanheck ROGER PIN: P9950242 BKN: 040961 DATE: 03/01/2004 DOB: [REDACTED] W [REDACTED] BRO BRO	
Operator ID #		Type OPERATOR		Soc. Sec. #		Where Arrested MACOMB COUNTY		St. Clair County Sheriff Department	
Date of Birth		Age 51		Race W		Accomplice NONE		Mugshot	
Weight 150		Height 5'10"		Complexion MED		Previously Arrested SCCSD			
Scars, Marks, or Tattoos NONE		Hair BRO		Eyes BRO		Department Arrested By ST. CLAIR CO. CORRECTIONS			
Health Insurance NONE		Card Number		Marital Status SINGLE		Transporting Officer OFFICER CATES			
Can Prisoner Read or Write BOTH		Occupation UNEMPLOYED		Year 00		Book Date/Time 3/01/04 13.51			
Vehicle		Color		Remarks STATES THAT HIS APPENDIX HAS BEEN BOTHERING HIM AND HAS A DR'S. APPOINTMENT WED 3-3-04 TO HAVE IT CHECKED OUT.		Card #		2	

PERSONAL PROPERTY		WATCH		PURSE	
RECEIPT		NECKLACE		RINGS	
BILLFOLD		GLASSES		KEYS	
EARRINGS		OTHER		OTHER	
OTHER		POCKET KNIFE		MAGNETIC BRACEL	
CLOTHING		JACKET		HAT	
BLUE JEANS		OTHER		OTHER	
TROUSERS		TIME SERVED		RELEASE DATE/TIME	
NECKTIE		HERB COLLINS/FOC		3/02/04 12.51	
PLAID FLANNEL		FINAL DISPOSITION AND/OR RELEASE FROM JAIL		OUTDATE	
2 BROWN WORK BO		RELEASED PER HERB COLLINS/FOC			
SHIRT		BY:			
SHOES		29 CLEAR			

ST. CLAIR COUNTY JAIL INMATE RECORD

Inmate Number 43927	Last Name VANHECK	First Name ROGER	Middle Name EARL	Location In Jail CELL 2 10/09/04 1724	Classified Date/Time 8/26/04
-------------------------------	-----------------------------	----------------------------	----------------------------	---	--

Alias/Nickname NONE	Special Pass NONE	ST. MI	Box # 4	Printed NO	Physical Date/Time 0/00/00
-------------------------------	-----------------------------	------------------	-------------------	----------------------	--------------------------------------

Address 280 NORTH ROSE APT. #4	City MT. CLEMENS	CIT US
--	----------------------------	------------------

Phone 2829 EAST 1ST STREET	Previous Address 2829 EAST 1ST STREET	Soc. Sec. 23
--------------------------------------	---	------------------------

Operator Lic. # 84 OPERATOR	Type 23	Age 52	Race W	Sex M
---------------------------------------	-------------------	------------------	------------------	-----------------

Height 5' 10"	Weight 150	Eyes BRO	Hair BRO	Complexion MEDIUM
-------------------------	----------------------	--------------------	--------------------	-----------------------------

Build SMALL	Scars, Marks, or Tattoos NONE	Card Number
-----------------------	---	-------------

Health Insurance MEDICAID	Can Prisoner Read or Write BOTH	Marital Status SINGLE
-------------------------------------	---	---------------------------------

Employer VANS ROOFING	Occupation LABORER	Year 00	Model
---------------------------------	------------------------------	-------------------	-------

Phone Number called at Time of Booking / Remarks SENT 60 DAYS NO CREDIT - CASE #1975 004460 DP -	Card Number
--	-------------

Money NONE	Receipt NONE
Lighter YELLOW	Billfold NONE
Knife BLACK	Earrings OTHER
Belt BLACK	Other

Shirt BLACK TEE	Trousers CLOTHING BLUE JEANS
Shoes BROWN BOOTS	Necktie
Nal Disposition and/or Release from Jail WAYNE COUNTY JAIL	Jacket OTHER

CHARGES NON-PAY'T OF ALIMONY/CHILD SUPPORT	Box # 4	Printed NO	Physical Date/Time 0/00/00
--	-------------------	----------------------	--------------------------------------

Location of Crime ST. CLAIR COUNTY	Where Arrested MACOMB COUNTY	Accomplice
--	--	------------

Previously Arrested PORT HURON	Department Arrested By SELF/OTHER	Transporting Officer HERB COLLINS
--	---	---

Booking Officer OLEJNIK, WOOD, HILL	Book Date/Time 8/25/04 13.53
---	--

WATCH S/C WRIST	PURSE 8 ON RING
NECKLACE SUNGLASSES	RINGS OTHER
GLASSES OTHER	KEYS OTHER

TIME SERVED 15	MONTHS 1
--------------------------	--------------------

RELEASE DATE/TIME 10/09/04 17.23	OUTDATE 10/23/04
--	----------------------------

INMATE SIGNATURE <i>[Signature]</i>
--



CIVIL COVER SHEET

County in which action arose ST. CLAIR

Civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by the rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

ROGER VAN HECK(b) County of Residence of First Listed Plaintiff MACOMB
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

94 SOUTH ROSE 586-713-9195
MT. CLEMENS, MI 48043DEFENDANTS JOHN THOMLINSON201 MEMORRAN BLVD, RM 2900PORT HURON, MI 48060County of Residence of First Listed Defendant ST. CLAIR

Case: 5:13-cv-11377

Judge: O'Meara, John Corbett

MJ: Grand, David R.

Filed: 03-28-2013 At 12:26 PM

CMP ROGER VAN HECK V ST. CLAIR COUN

TY, ET AL (LG)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 170 Other Contract <input type="checkbox"/> 185 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input checked="" type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 USC 407-4205C/383(d)(1)/ 450 U.S. 221, 223, 101 S.Ct. 1074 (1981) (others)

Brief description of cause:

CHILD SUPPORT ORDER WHILE PLAINTIFF ON SS/IN ARREST

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐ DEMAND \$ ☐ CHECK YES only if demanded in complaint:Court ordered Child Support Van HeckJURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE 2,001,800.00 150,055

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

February 28, 2013 Roger Van Heck

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

ANT TO LOCAL RULE 83.11

Is this a case that has been previously dismissed?

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

☐ Yes

☒ No

2.

Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :
